

REQUEST FOR RECONSIDERATION

Reconsideration of the present application is respectfully requested.

Claims 1-19 are pending in the application, with Claims 1 and 15 being independent claims. Claims 1 and 15 are still rejected under 35 U.S.C. § 103(a) as being unpatentable over Van (EP 0869647) in view of Kostic (U.S. Patent No. 7079503B2). Applicants gratefully acknowledge that Claims 2-14 and 16-19 have been objected to as set forth in paragraph 2 of the Office Action as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 6-10 are objected to because of informalities.

The drawings are objected to for an alleged lack of descriptive test legends for FIG. 2, 8, 10 and 11. In a telephone conversation on November 26, 2007, Applicant's counsel, Ryan C. Carter, Esq., notified the Examiner that replacement drawings would be submitted as soon as possible, to obviate the drawings objection. Applicants gratefully acknowledge both the Examiner's acceptance of Applicants' said notification, as well as his anticipated consideration of the replacement drawings.

Please amend Claims 1 and 15 as set forth herein. No new matter has been added.

Regarding the rejection of independent Claims 1 and 15 under § 103(a), the Examiner alleged that Van in view of Kostic renders the claims unpatentable. After reviewing Figure 1 and the specification (see page 4, line 32 to page 5, line 47 as an example), Applicants respectfully believe that the Examiner is incorrect. However, Applicants have amended Claims 1 and 15 as shown herein, for clarification and further distinction of the claims over the cited prior art. It is respectfully asserted that Van does not disclose "...transmission channel type of the transmission symbol...", as claimed in amended Claims 1 and 15, because the transmission channel type of the transmission symbol is a type of information considering transmission channel type, such as a random access channel, a control channel, etc.

Accordingly, it is respectfully submitted that amended Claims 1 and 15 are not rendered unpatentable over Van in view of Kostic. In view of at least the foregoing, withdrawal of the § 103(a) rejection of Claims 1 and 15 is respectfully requested.

Regarding the objection to independent Claims 1 and 15, the Examiner acknowledged the applicant admission that “adapt to” is a “REQUIRED” function in these claims. Strictly for purposes of clarification in the claims for the admitted scope of “REQUIRED”, Applicants have amended Claims 1 and 15 as set forth herein, in the aforementioned fashion. Withdrawal of the objection, therefore, is respectfully requested.

Regarding the objection to Claims 6-10, and particularly Claims 6-7, it is respectfully asserted that the objection is incorrect. The Examiner alleged that “a micro format” was recited twice in each of Claims 6 and 7. However, Applicants respectfully direct the Examiner’s attention to line 5 of Claim 6, where “a macro format” is recited. Meanwhile, in line 9 of the claim “a micro format” is recited. These two recitations are clearly different. Claim 7 includes the same recitations in different lines. Accordingly, it is respectfully submitted that Claims 6-10 are indeed formal, and that the objection to these claims should be withdrawn. Withdrawal of the same is respectfully requested.

Independent Claims 1 and 15 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2-14 and 16-19, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2-14 and 16-19 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-19, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", written over a horizontal line.

Paul J. Farrell
Reg. No. 33,494
Attorney for Applicants

THE FARRELL LAW FIRM
333 Earle Ovington Boulevard, Suite 701
Uniondale, New York 11553
TEL: (516) 228-3565

PJF/HY/RCC/dr